

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL OLIVER,

Plaintiff,

v.

CITY OF DETROIT, et al.,

Defendants.

Case No. 20-12711

Honorable Laurie J. Michelson
Magistrate Judge David R. Grand

ORDER REGARDING DETERMINATION OF MOTION

Before the Court is Defendant's Motion for Summary Judgment, filed March 3, 2023. The response brief and any reply brief shall be filed in compliance with E.D. Mich. LR 7.1 and this Court's case management requirements.

If, upon review of all the briefing, the Court finds that oral argument would aid in resolving the disputed issues, a notice will be filed on the docket setting a hearing. Otherwise, the Court will decide the motion on the briefs. *See* Fed. R. Civ. P. 78(b); E.D. Mich. LR 7.1(f).

Counsel are strongly advised to review the Case Management and Scheduling Order docketed previously in this case before docketing any motion or brief. For convenience, portions of that order are reproduced here:

BRIEFING: Unless specifically addressed in the Court's Notice of Hearing, the time limits prescribed in the Eastern District of Michigan Local Rules apply for filing responses and replies to motions. All briefs shall strictly comply with Local Rules 5.1 and 7.1. If a brief will exceed the page limit in Local Rule 7.1 by five or more pages, the motion for leave to file a brief in excess of the page limits must be filed at least one week before the brief is due. Whenever possible, all briefs filed with the Court shall be a searchable PDF.

COURTESY COPIES: A courtesy copy of all motions and briefs exceeding 50 pages (once exhibits are included) must be sent to the chambers via first class mail or hand-delivery. The courtesy copy should consist of the actual e-filed document and contain the CM/ECF header on the top of each page and be printed double-sided. Preferably, the courtesy copy should be

sent to chambers spiral bound. Alternatively, it may be sent unbound (rubber-banded or binder clipped) or in a three-ring binder. No matter the format, the exhibits must be tabbed [and highlighted].

SUMMARY JUDGMENT: Before filing a motion for summary judgment under Federal Rule of Civil Procedure 56, parties should note that, under Rule 56(d), summary judgment may be denied if the non-moving party has not had the opportunity to discover essential evidence, and that Local Rule 7.1(b) requires a party to obtain the Court's leave to file more than one motion for summary judgment. Further, the Local Rules do not permit a party to file a motion as part of a response brief. E.D. Mich. Local Rules App'x ECF R. 5(e).

In addition, the parties must comply with the following guidelines:

- a. Each statement of fact must be supported with a pincite to specific record evidence.
- b. The first party to cite to a document must attach the entirety of that document to its brief. For example, if the moving party cites a deposition, the moving party should docket the entire deposition transcript. The non-moving party should then cite to the already-docketed transcript (rather than attaching its own version of the transcript). This rule applies for all documentary evidence. The goal is to avoid duplication in the summary-judgment record.
- c. A party citing to previously-docketed evidence must cite such evidence by its "ECF No." and "PageID" found in the header generated by CM/ECF. For example, (ECF No. 9, PageID.324).
- d. All documentary evidence and briefs, especially deposition transcripts, must be filed in a searchable PDF format. As such, it is highly advised to obtain and docket an electronic copy of a document rather than scan in a hardcopy of the document (e.g., printing a brief and then scanning it in is not advised).
- e. Deposition transcripts should be filed in standard, not minuscule, form.
- f. The parties are *not* to include copies of unpublished cases that are available on Westlaw or Lexis.

SO ORDERED.

Dated: March 14, 2023

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE